

JUL 15 2013
JULIA C. DODDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA)
)
) Case No. 7:03-cr-00109
)
v.) ORDER
)
ALPHONSO BUSTER GILBERT,) By: James C. Turk
Defendant.) Senior United States District Judge
)

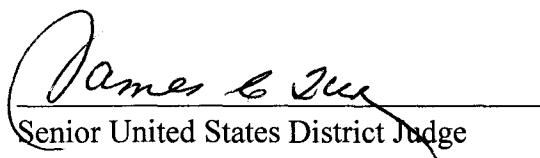
In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The defendant's recent submission entitled "Judicial Notice" is hereby **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C.A. § 2255, and the Clerk is **DIRECTED** to docket it as such;
2. The § 2255 motion is hereby **DENIED** without prejudice as successive and stricken from the active docket; and
3. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 15th day of July, 2013.



Senior United States District Judge